THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 1249 of 2006

DATED: 28.01.2006

Between:

J.Muthuswamy.

... PETITIONER

AND

The Joint Transport Commissioner and Secretary and another.

... RESPONDENTS

ORDER:

This Writ Petition is filed challenging the action of the respondents in seizing the petitioner's vehicle, bearing Registration No.C6-04-6-9249, through Vehicle Check Report, dated 31.12.2005. The petitioner states that the vehicle was covered with all the documents, such as Registration Certificate, proof of payment of tax for the quarter ending with 31.12.2005, Pollution Certificate etc., and despite the same, the 2nd respondent seized the vehicle.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

The Writ Petition came up for admission on 25.01.2006. It was found that the

vehicle was seized, on the ground that the petitioner did not produce the proof of payment of tax for the quarter ending with 31.12.2005. The petitioner filed the copies of chalans, through which the tax was paid for the said period, in the State of Chattisghadh. Taking the same into account, an interim direction was issued to the respondents, to release the vehicle, and the vehicle is said to have since been released.

The 2nd respondent appeared before this Court. He stated that the various documents, referred to in the Vehicle Check Report, were not produced in original, though copies thereof were sought to be relied upon. The record discloses that the tax for the quarter ending with 31.12.2005 has been paid through chalan in the State of Chattisghadh. The Fitness Certificate is valid up to 04.01.2007. An extract of R.C. is also filed, which is issued by the R.T.A.Raipur. As of now, this Court does not find any serious irregularity or violation on the part of the petitioner. If the respondents are of the view that further proceedings are to be continued against the petitioner, it shall always be open to them, to do so. The vehicle has already been released to the petitioner.

For the foregoing reasons, the Writ Petition is disposed of, leaving it open to the respondents to proceed with the matter, on the basis of the Vehicle Check Report, dated 31.12.2005, and as and when any notice is issued to the petitioner, it shall be open to him to submit explanation to the same. It is needless to observe that the further proceedings shall be, in accordance with relevant provisions of the Motor Vehicles Act and the Rules made thereunder. There shall be no order as to costs.

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28.01.2006

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